



Interview Summary: Jacqueline Bogden and Jeffery Hutchinson, Emergency Preparedness and COVID Recovery Secretariat, PCO

Background

The Emergency Preparedness and COVID Recovery Secretariat (**EPCR**) is one of several secretariats within the Privy Council Office (**PCO**). It is a new secretariat that was established following the creation of the dedicated role of Minister of Emergency Preparedness in October 2021. It has a threefold mandate to support the Minister of Emergency Preparedness, the Cabinet Committee on Safety, Security and Emergencies (**SSE**), and the coordination of the Government's COVID-19 response and recovery support.

Senior officials from the EPCR Secretariat were interviewed by Shantona Chaudhury, Gordon Cameron, Yves Côté and Nusra Khan on September 2, 2022. Questions relating to this summary should be directed to Ms. Khan.

This summary should be read in conjunction with the summaries of the interviews with the Minister of Emergency Preparedness, Bill Blair; the Clerk and Deputy Clerk Panel; the National Security and Intelligence Advisor Panel; and the Institutional Report prepared by PCO. This preamble and text contained in square brackets consist of explanatory notes provided by Commission Counsel to assist the reader. Certain documents are referred to in the footnotes to assist the reader but, in some cases, these documents were not shown to or discussed with the panel at the interview.

Jacqueline Bogden serves as the Deputy Secretary to the Cabinet, Emergency Preparedness and COVID Recovery (**DSC Bogden**). DSC Bogden was appointed on January 11, 2022. Prior to this role, she served as Assistant Deputy Minister at Health Canada and led the Health Canada, COVID-19 Task Force from March to June 2020.

Jeffery Hutchinson is a Senior Advisor within PCO, currently filling the position of the Assistant Secretary to the Cabinet, Emergency Preparedness (**ASC Hutchinson**). He assumed these responsibilities on January 31, 2022. Prior to this role, ASC Hutchinson served as a Senior Advisor with PCO, leading a project coordinating the federal response to natural disasters in British Columbia.



Mandate and Structure

DSC Bogden identified three primary functions of the EPCR Secretariat: supporting Minister Blair horizontally coordinating federal government activities related to the acute phases of rapid emergency responses and policies related to emergency preparedness and management; supporting the **SSE**, which is chaired by Minister Blair; and supporting the coordination of the Government's COVID-19 response and recovery support.

ASC Hutchison noted that one of his primary roles during the protests and blockades was to support Minister Blair in preparing for, and during, meetings of the SSE Committee. [ASC Hutchinson served as Secretary for the February 3, 6, and 8 SSE meetings. DSC Bogden also attended all three meetings.¹]

DSC Bogden noted that the EPCR Secretariat was still in the hiring phase as of January 2022. ASC Hutchinson recalled that their team consisted of 7 people between January and February 2022. It has since grown to include 17 employees in total. He reflected that small teams are common within PCO given the highly specialized nature of their work.

Relationship with Department of Public Safety and Emergency Preparedness

DSC Bogden explained that the EPCR Secretariat works closely with the Department of Public Safety and Emergency Preparedness, as this is the department designated to support the Minister of Emergency Preparedness. Although the Minister of Public Safety and the Minister of Emergency Preparedness have distinct roles, the Department of Public Safety and Emergency Preparedness supports both Ministers. The Department of Public Safety and Emergency Preparedness has a broad mandate encompassing, for example, the regulation of firearms and critical infrastructure, while also supporting the government's emergency preparedness, mitigation, recovery and response efforts.

In response to questions, DSC Bogden noted there is a clear separation of responsibilities between the two Ministers. This is reflected in the Ministers' respective mandate letters. She explained that while the *Emergency Management Act* (**EMA**) refers to the Minister of Public Safety and Emergency Preparedness [see section 2 of the EMA], the Minister of Emergency Preparedness is able to exercise all of the authorities under the EMA, including the authority to approve requests for federal assistance (**RFAs**). The only

¹ SSM.NSC.CAN.00000292_REL, SSM.NSC.CAN.00000293_REL, SSM.NSC.CAN.00000295_REL.



exception is section 7 of the EMA, which requires the recommendation of the Minister of Public Safety for the Governor in Council to make certain orders or regulations.

DSC Bogden described having a good working relationship with the Deputy Minister of Public Safety Rob Stewart (**DM Stewart**), noting that the pair frequently work closely to ensure their respective Ministers are well-supported.

She also explained that there is no direct reporting relationship between the Department of Public Safety and Emergency Preparedness and the EPCR Secretariat. No officials at the Department report to DSC Bogden, and she and her staff report to the National Security and Intelligence Advisor (**NSIA**), Jody Thomas. DSC Bogden noted that it is not unusual for a Minister to have supporting teams in more than one department. She gave the example of the Minister for Intergovernmental Affairs, Dominic LeBlanc, who is supported by the Deputy Minister of Intergovernmental Affairs and the Intergovernmental Affairs Secretariat (**IGA**) at PCO and a Deputy Minister and team at Infrastructure Canada. Ms. Thomas sometimes attends meetings between DSC Bogden and Minister Blair, depending on the nature of the discussion. Finally, the Deputy Clerk of the Privy Council Nathalie Drouin also supports Minister Blair in the performance of his duties as the President of the Queen's Privy Council of Canada.

[Early Response to the Protests](#)

DSC Bogden noted that, in the early period of the protests, PCO worked in concert with other government departments and agencies to monitor and develop a factual and up-to-date situational awareness and assess the evolving circumstances.

The purpose of this monitoring and assessment was to determine on an ongoing basis the potential impact of the evolving situation on federal interests and responsibilities, and to determine whether there was a need for federal action to respond to the situation or to requests for federal assistance from other orders of government.

The EPCR Secretariat's primary role was to play a convening and coordinating role within PCO and with other federal government departments and agencies to facilitate the collection and sharing of information in respect of the protests. This work was done, for example by organizing briefings for staff of the Prime Minister's Office and the Minister of Emergency Preparedness' Office by senior PCO officials, or convening and/or participating in meetings at the Assistant Deputy Minister, Deputy Minister and Minister level.



Ministerial Briefings

DSC Bogden noted that briefings by senior departmental and agency officials for Ministers LeBlanc and Mendicino about the protests took place on January 26, 2022. PCO also organized a briefing by senior departmental and agency officials for Ministers Blair and LeBlanc on January 27 and for Ministers Blair, Mendicino and LeBlanc the following day. She described these as factual briefings about what was known at those points in time about the Freedom Convoy protests being organized for the weekend of January 28-30, including the number of anticipated vehicles and individuals, any actions being taken by the law enforcement or security partners and the federal government, and the need to be prepared for a variety of possible scenarios or outcomes as you would with any potential large gathering (i.e. if the events do not remain peaceful or lawful). Briefings by senior officials for Ministers were also organized on January 29 and 30.

DSC Bogden identified Sunday, January 30 as the date on which she realized the trucks were not leaving.

Senior officials at PCO became increasingly concerned about the protests and blockades heading into the second weekend [January 31-February 6]. DSC Bogden continued to organize daily briefings by senior officials for Ministers to provide situational updates and participated in *ad hoc* Deputy Ministers' Committee on Operational Coordination (**DMOC**) meetings. Later that week, these daily Ministerial briefings were supplemented by *ad hoc* SSE Committee meetings which included a broader group of Ministers in addition to the RCMP Commissioner, the Director of the Canadian Security and Intelligence Service (**CSIS**), the President of the Canada Border Services Agency (**CBSA**), the NSIA, and sometimes, the Clerk or Deputy Clerk.

Engagement with Provinces

DSC Bogden noted that several DMs, in particular the DMs at Public Safety and Transport, proactively increased their engagement with provincial counterparts during the first weeks of protests to offer any support to resolve existing situations and to encourage other jurisdictions to mitigate or respond to potential blockades in their jurisdictions.² The Deputy Minister of Transport, Michael Keenan (**DM Keenan**), for instance, developed the 'Strategic Enforcement Strategy' that involved maximizing the use of communications and enforcement of existing authorities under municipal bylaws, provincial highway legislation, such as the Ontario *Highway Traffic Act* or the *Criminal Code*. She recalled that DM Keenan forwarded her a letter he had received from his counterpart in Ontario,

² See for example, PB.CAN.00000751_REL.



Deputy Minister of Transportation, Laurie LeBlanc on February 8, 2022 with respect to the protests.³

Provincial Declarations of Emergency

[The panel was asked whether they had advance notice of the Government of Ontario's decision to invoke emergency legislation on February 11, 2022. In a clarification provided after the interview, the panel explained that they had received an email from Deputy Minister of Intergovernmental Affairs, Michael Vandergrift, on February 10, 2022 alerting them to this fact.⁴]

DSC Bogden reflected that she had no prior indication that provincial officials viewed the Ottawa or Windsor protests as serious situations requiring the use of emergency legislation, nor were Government of Canada representatives consulted in advance on what measures would be taken or might be needed to help resolve the situations, which was not unusual, but might have been helpful in these circumstances. She viewed the provincial declaration as a welcome step in Ontario's response, but noted that the Ontario emergency declaration or regulations did not contain the authority to compel third party service providers, such that tow truck operators could be compelled to move the trucks parked in downtown Ottawa or Windsor.

DSC Bogden noted that provincial emergency legislation was discussed in early conversations between federal officials and their provincial counterparts, as a potential option for managing the protests. Some jurisdictions implemented provincial emergency legislation. Nova Scotia, for instance, issued directives under emergency legislation to manage blockades in Halifax. [The Province of Nova Scotia originally declared a state of emergency under the *Emergency Management Act* on March 22, 2020, which it extended to February 20, 2022. Two directives prohibiting blockades under this Act were issued on January 28, 2022⁵ and February 24, 2022⁶ respectively.] She noted that New Brunswick similarly amended its critical infrastructure legislation to better respond to protests occurring there. [The New Brunswick legislature amended the *Emergency Act* on February 9, 2022 to prohibit stopping or parking a vehicle or otherwise contributing to the

³ SSM.NSC.CAN.00002651_REL, SSM.NSC.CAN.00003098_REL.

⁴ SSM.NSC.CAN.00000094_REL.

⁵ COM.0000913.

⁶ COM.0000914.



interruption of the normal flow of vehicle traffic on any road or highway.] British Columbia would not be in a position to invoke its provincial emergency legislation, because the BC *Emergency Program Act* is designed to respond to natural disasters only. ASC Hutchinson made the point that several provinces considered, and did in fact use, provincial emergency legislation. In his view, this reflects the need for a critical discussion about the existing emergency management legal framework in Canada and the ability to use them to respond to human-made emergencies.

Requests for Assistance

DSC Bogden and ASC Hutchinson explained that their mandate includes supporting Minister Blair in responding to RFAs when needed by, for example, providing advice or liaising with PCO's IGA Secretariat. [RFAs are processed by the Government Operations Center (**GOC**) in the Department of Public Safety and Emergency Preparedness.] DSC Bogden noted that requesting parties often advise of an RFA in advance. She would ensure that Ministers were made aware of incoming RFAs at the daily Ministerial briefings.

When asked, DSC Bogden responded that she was aware of the RFA from Alberta. She explained that she saw the letter from Alberta's Minister for Municipal Affairs, Ric Mielver, on the day that it was received [February 5, 2022].⁷ She could not recall whether a letter was produced in reply.

Intelligence Sharing

When asked, the panel noted that they did not receive intelligence from security or law enforcement agencies pertaining to the protests and blockades. They did receive this information from senior departmental and agency officials during the daily Ministerial briefings. DSC Bogden noted that she had no indication that the protestors who arrived in Ottawa between January 28-30 were intending to remain there for as long as they did.

They further noted that the first time they learned of the involvement of Diagonal members in the Coutts, Alberta protests was on February 14, 2022, following the public announcement of these individuals' arrests. DSC Bogden noted that, to her knowledge, RCMP Commissioner Lucki did not disclose information relating to active criminal investigations at the DMOC or other meetings. Commissioner Lucki provided only general factual and threat updates at these meetings.

⁷ SSM.CAN.00000081_REL, SSM.CAN.00000082_REL.



Cabinet Committee on Safety, Security and Emergencies

DSC Bogden explained that the SSE was created in December 2021 shortly after the general election. It is a standing committee of Cabinet and is responsible for considering threats and risks to the safety and security of Canada and Canadians, managing ongoing emergencies, and ensuring strategic, integrated, and forward-looking leadership for emergency management (mitigation, preparedness, response and recovery). Meetings of SSE may involve considering specific policy proposals on areas within its mandate, as well as receiving briefings on specific safety, security or emergency issues in or affecting the country. SSE has both regularly scheduled meetings, and (as with all other committees) can also be convened on an *ad hoc* basis where a matter is urgent, serious or important. The EPCR Secretariat supports the agenda development, organizes the meetings of this Committee, and provides advice and support to the Chair, which is Minister Blair.

The February 3 SSE Meeting

The first *ad hoc* SSE meeting was convened on February 3, 2022. By this time, DSC Bogden and her staff were concerned about an increase in protest activity Ottawa and Coutts and in other locations across the country. Ministers were asking when and how the situation was going to end, and what they or their departments could or should do to help resolve the situation. A document titled “Possible Federal Assistance” was discussed at this meeting.⁸ The situation was primarily seen as a public order issue at that time for the police of jurisdiction, and not the federal government, to resolve. Nonetheless, there was a desire to explore options for federal assistance and support.

The February 6 SSE Meeting

The second *ad hoc* SSE meeting took place on Sunday, February 6. DSC Bogden recalled there was an acknowledgement amongst participants that, as the second weekend drew to a close with an increase in protest activity, the federal government may need to do more to help bring about a timely and safe resolution. Accordingly, for example, the next day DSC Bogden was asked to organize a trilateral meeting of Ministers and senior officials from the City of Ottawa, the Province of Ontario, and the federal government. This table was designed to be principally a government-to-government conversation. DSC Bogden noted that federal officials did not invite the RCMP or former Chief Sloly of the Ottawa Police Service. It was the Mayor of the City of Ottawa or his office who extended an invitation to Chief Sloly, to which federal officials

⁸ SSM.NSC.CAN.00000292_REL.



had no objection. DSC Bogden also noted that officials from the province of Ontario were invited but did not attend.

The February 8 SSE Meeting

DSC Bogden noted that the third discussion took place at the already scheduled SSE on February 8, 2022 where Ministers received an update on the situation from the RCMP, CBSA, CSIS and PS and took stock of collective efforts to date. By this time, the Minister of Public Safety had committed 250 federal police officers [RCMP] to assist the City of Ottawa. In addition, the City had requested an additional 1800 officers from the Governments of Ontario and Canada on February 7.⁹

The Incident Response Group

DSC Bogden indicated that there was a growing consensus that there may be a need for further federal action to accelerate the resolution of the situation. DSC Bogden noted that on the morning of February 9, 2022 the Clerk of the Privy Council called a meeting of all PCO Deputy Secretaries and Deputy Ministers, at which she directed that they develop all possible options for the resolution of the situation to present to their respective Ministers. She recalled that Deputy Ministers had already been developing proposals for what could be done under existing or new legislation.

[The Clerk advised the PM on February 10, 2022 to convene the Incident Response Group (**IRG**). The first IRG was held the same day, on February 10, 2022.]

DSC Bogden explained that the purpose of the IRG was to bring together senior officials, Ministers, and the Prime Minister to discuss the information available and the full range of actions and make decisions. Unlike the SSE Committee, which can only provide recommendations to the Prime Minister and Cabinet, the IRG is a decision-making body. ASC Hutchinson noted that the general trend for these discussions was that first, factual information was laid out, followed by a turn towards tactical and strategic responses as the incident evolved.

The IRG Tracker

ASC Hutchinson explained that the document titled “IRG Tracker” that is appended to the February 12, 2022 IRG Minutes was an evergreen [constantly updated] document prepared by the Security & Intelligence Secretariat and others at PCO, with input from all

⁹ PB.CAN.00000722_REL.



implicated federal agencies. [The IRG Tracker was first circulated at the February 12 IRG. It was added-to on a daily basis and updated versions were provided to all subsequent IRG Meetings. Items listed in the Tracker are policy issues and other areas for action or follow-up identified by officials. This information was collated by PCO into one document for the purposes of sharing at the IRG.^{10]}

“Track 1” in the IRG Tracker refers to policy and operational responses available to federal agencies under existing legislation.¹¹ DSC Bogden recalled that DM Keenan and DM Stewart were heavily involved in Track 1 discussions. They liaised with their provincial counterparts to identify gaps, provide information and advice, and relayed information between Windsor, Ottawa, Quebec City, and other affected areas.

“Track 2” refers to options and tools under “new” authorities, namely, emergency legislation [either new legislation or the possible use of the existing *Emergencies Act* (EA).] DSC Bogden described this as the contingency plan to be deployed if all other options were not successful. She noted that emergency legislation had been previously discussed by the federal government in response to the COVID-19 pandemic.

In her view, there were two particular policy issues that fell outside the existing authorities. The first issue was securing the cooperation of heavy tow truck operators to remove trucks parked in downtown Ottawa or, for example Coutts, Alberta. Her understanding is some operators refused out of solidarity with the protestors or fear of losing existing clients; others refused out of fear for their personal safety or fear that their vehicles would be damaged. She recalled that the invocation of the EA and subsequent *Emergency Measures Regulations*, which made non-compliance punishable by criminal penalty, gave hesitant operators a “cover” as they would be compelled to tow trucks, thereby mitigating the risk of reputational damage. ASC Hutchinson recalled that with respect to the idea of the trucks, there were reports of concerns of the additional safety risks to police, drivers, and the general public. There was also the concern about the presence of children in some of the trucks. He emphasized that removing the trucks parked on Wellington was a serious, complicated issue. Plus, trucks could be replaced faster than they could be removed.

The second policy issue that DSC Bogden identified was the ongoing financing of the protests and blockades. Significant funds were raised and distributed to protestors, which allowed them to remain in Ottawa for upwards of two weeks with access to food, fuel, and hotels for overnight stays. She noted that even if the City of Ottawa had adopted a

¹⁰ PB.NSC.CAN.00002418_REL, PB.NSC.CAN.00002419_REL.

¹¹ SSM.NSC.CAN.00000214_REL.



maximum enforcement approach, tickets and fines laid under municipal authorities would have been easily paid off from the proceeds of this fundraising. She also noted that existing federal frameworks for anti-money laundering and anti-terrorist financing did not cover businesses in the crowdfunding and payment service provider sectors. She concluded that the financing of the illegal blockades was a significant issue that weighed in favor of taking action.

The Intelligence Gap

When asked, DSC Bogden explained that the intelligence gap, listed as “Item 4” in the IRG Tracker, referred to the difficulties in collecting open-source information in order to be able to better understand, anticipate or get ahead of and respond to the situation. PCO and other departments and agencies struggled to identify practical methods for the monitoring of online activity relating to the protestors.¹² She recalled that many of the protestors used public, but encrypted, platforms such as Telegram to organize.

DSC Bogden clarified that the term “intelligence”, in this context, referred not to the surveillance of particular individuals but the tracking of information publicly posted by a large, disparate group of people that were organizing online. She noted that the federal government needed to be concerned with the aggregate situation, such as the rise of violent online rhetoric, including the calls to overthrow the government and incitements to violence amongst some protestors; the erosion of the public’s confidence in government institutions and democracy generally; and the practical difficulties in distinguishing between public order disturbances and emergencies.

She gave the example of dealing with contradictory reports about the size of the protests (e.g. number of vehicles and individuals), which will often be overestimated by organizers, to encourage others to join their effort, and that law enforcement worked hard to combine their intelligence efforts to try to quantify what was happening and what might happen. ASC Hutchinson recalled there were discussions about whether PCO and other departments and agencies had the capacity to monitor social media; whether they had the legal authority to do so; who then bore the responsibility for collating and assessing this information; and finally, with whom this information could be shared.

The Engagement Proposal

[The panel was asked to explain another item in the IRG Tracker, titled potential federal lead negotiator.]

¹² SSM.NSC.CAN.00000214_REL.



DSC Bogden explained that, as one possible option to help accelerate the resolution of the situation, DM Stewart developed a proposal for the federal government to engage with some of the protest organizers in Ottawa (the **Engagement Proposal**). ASC Hutchinson recalled participating in calls between DM Stewart and Marcel Beaudin, a member of the Ontario Provincial Police's (**OPP**) Protestor Liaison Team, wherein the group identified several complications with the proposal. The complications included the lack of an organized leadership amongst the Ottawa protestors and whether the individuals who identified themselves as leaders of the protests would have the support of protestors to engage with the federal government. These calls took place between February 9 and February 11.

This proposal was first presented to the IRG on February 12, 2022. Much of the discussion at this meeting centered on a similar engagement plan developed by the OPP and the government of Ontario in respect of the blockade of the Ambassador Bridge in Windsor, which had failed due to the protestors' refusal of the offer.¹³

ASC Hutchinson explained that to his knowledge, the Engagement Proposal was ultimately not pursued given the issues identified and that it was overtaken by events.

The February 13 IRG

DSC Bogden identified the IRG Meeting on February 13, 2022 as a key point in the government's consideration of whether further federal action should be taken to resolve the situation, including potentially the use of emergency legislation. When asked, she confirmed that neither she nor her staff provided specific advice on the use of the EA or emergency legislation.

She noted that by this point, the Windsor blockade was in the advanced stage of being cleared but it would likely require police presence to hold and keep that critical port of entry open. Moreover, there were multiple new threats reported over the weekend of February 12 and 13, including protests outside the Manitoba legislature, the arrest of four individuals, after several vehicles, including a military-style vehicle, breached an RCMP barricade, and protests forced the closure of the Pacific Highway port of entry in Surrey, British Columbia. A large farm tractor and a semi-truck narrowly missed an RCMP vehicle in Coutts, Alberta and there were reports of a theft of a large shipment of handguns in Peterborough, Ontario, which was subsequently confirmed to be unrelated. DSC Bogden indicated that the protests and blockades did not appear to be slowing down and they did

¹³ SSM.NSC.CAN.00000214_REL.



not know if all reports that they were receiving were connected and that they had to prepare for a worse scenario. [A full Cabinet meeting was held later that evening where the Prime Minister reported to Cabinet regarding the inputs received through the IRG, the potential need to invoke the Act, and the need to engage with other orders of government]. The decision reached was to convene a First Ministers' Meeting (**FMM**) the next day for consultation on the possible invocation of the EA.

Post-Invocation Involvement

DSC Bogden explained that the implementation of the EA authorities was led by the departments and agencies themselves. Daily meetings of the IRG were convened to ensure the effective and efficient implementation of the new authorities. She noted that once the police operation in Ottawa concluded on February 20, 2022, no new protests or blockades materialized although some situations still persisted (e.g. Ottawa, Pacific Highway).

ASC Hutchinson noted that prior to the invocation of the *Act*, there was no clear path to resolution of the blockades. Even when the blockade was cleared in Windsor, for example, police resources were required to hold it open. He described the protests as being a situation without a clear end, and instead, moving through stages of acute and intense activity and remission. In his view, the entrenched protest in Ottawa served as the battery that fueled protests in other locations. It was the EA that allowed the government to interrupt the momentum of these protests.

ASC Hutchinson added that Government's intent was to revoke the declaration of public order emergency as soon as possible. On February 20, at the request of the NSIA, he drafted proposed criteria for revocation for eventual consideration by Cabinet.¹⁴ He integrated feedback from DM Stewart, DSC Bogden and other senior officials that a clearer focus on a standard of necessity was required. ASC Hutchinson was not involved in the process of revocation after that. Neither he nor DSC Bogden were involved in the drafting of the Explanation pursuant to subsection 58(1) of the *Emergencies Act* or the Report to the Houses of Parliament: *Emergencies Act* Consultations.

Lessons Learned

The panel identified two broad areas that could be considered for both policy and legislative reform. First, that the existing framework of emergency legislation in Canada is not responsive to the modern nature of emergencies (e.g. human-made vs. natural

¹⁴ SSM.CAN.00000429_REL.



disasters) and may require modernization. The EA, in particular, does not reflect the changing nature of public order emergencies. Second, they noted that critical infrastructures such as utilities, pipelines, trade corridors and border crossings may need greater protection in legislation. They noted that any critical infrastructure protection legislation will require collaboration across federal, provincial, municipal, and private sectors.